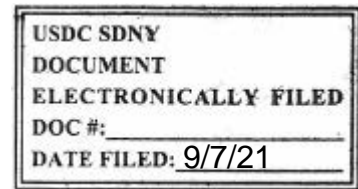


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Ralph Berry,

Defendant.

20-cr-84 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court is in receipt of Defendant's Motion to Preclude, Dkt. No. 90, and the Government's Motion *in Limine*, Dkt. No. 91. As outlined below, the Court ORDERS each party to submit a letter by 12:00 p.m. tomorrow, September 8, 2021, clarifying their respective motions.

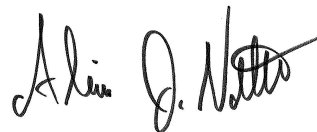
In the Government's motion, it seeks to admit four prior convictions. In its July 13, 2021 letter to Defendant pursuant to Fed. R. Evid. 404(b)(2), the Government included two prior convictions that are not included in its motion *in limine*. See Dkt. No. 90-1. These two prior convictions relate to conduct occurring on February 1, 1996, and November 16, 1999. The Government is ORDERED to submit a letter by 12:00 p.m. tomorrow, September 8, 2021, indicating whether it is seeking to admit these two prior convictions.

Defendant's motion opposes each of the prior acts and convictions disclosed in the Government's July 13 letter. Dkt. No. 90. However, the Government's motion *in limine* seeks to admit two prior acts of violence and one prior conviction that were not included in the July 13 letter. The prior acts of violence pertain to conduct that allegedly occurred in 1998 and June 2000. The prior conviction is for conduct occurring on October 11, 1995. Defendant did not file an opposition to the Government's motion *in limine*. Defendant is ORDERED to submit a letter by 12:00 p.m. tomorrow, September 8, 2021, indicating whether he opposes the admission of the

two prior acts of violence and prior conviction not included in the Government's July 13 letter.

SO ORDERED.

Dated: September 7, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN
United States District Judge